



THE COMMONWEALTH OF MASSACHUSETTS  
WATER RESOURCES COMMISSION

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**Meeting Minutes for June 12, 2003**

**Members in Attendance:**

Karl Honkonen	Designee, EOE
Peter C. Webber	Commissioner, DEM
Mark Tisa	Designee, DFW
Marilyn Contreas	Designee, DHCD
Dave Terry	Designee, DEP
Scott Soares	Designee, DFA
Ron Sharpin	Designee, MDC
Gary Clayton	Public Member
Richard Butler	Public Member
Dave Rich	Public Member

**Others in Attendance:**

Linda Marler	DEM
Mike Gildesgame	DEM
Kirk Smith	Gomez & Sullivan
Jack Yunits	Mayor of Brockton
John Condon	CFO City of Brockton
Thomas Plouffe	City Solicitor, Brockton
John Murphy	Hanson Murphy & Assoc.
Jeff Hanson	Hanson Murphy & Assoc.
Jose Andreu	Aquaria Water LLC
Duane Levangie	DEP
Sara Cohen	DEM
Margaret Kearns	DFW/Riverways
Russ Cohen	DFW/Riverways
Vandana Rao	EOEA
John Torgan	Save the Bay
Michele Drury	DEM
Eileen Simonson	WSCAC
Chris Waldron	USGS
Brian M. Creedon	City of Brockton
Pat Huckery	DFW/NHESP
Pine duBois	WAA/JRWA
Betsy Davis	USEPA
Liz Beardsley	CDM
Stephen Pike	Brockton Water Commission

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**Agenda Item #1: Executive Director's Report**

- Marler provided an update on the hydrologic conditions in the Commonwealth (see attached).
- Executive Director Honkonen reported that a small interagency group has been developing a Water Policy document for the new administration. This is an evolving process that will involve WRC member and public input over the next few months.
- Sara Cohen reported on the Water Assets Project. The objective is to evaluate the current water supply demands and forecasts for 131 communities around Route 495, one of the fastest growing areas of the state. The project will evaluate the local status and resource needs and then take a statewide perspective on needs and supply. The overall policy issue is to look at investing in water supply and ecological needs to provide for future water needs. Clayton asked about the zoning issues involved and whether this had some relation with the new zoning act. Cohen responded that eventually there will be a link, but it is premature at this point.
- Honkonen reported on the EPA Watershed Initiative Grant. EPA funds have been awarded to the Charles and Narragansett (MA and RI) watersheds. See EPA's web site for more information: <http://www.epa.gov/owow/watershed/initiative/>
- The Green Round Table, with funding from the Massachusetts Environmental Trust has formed a watershed task force to reduce the impact of the built environment on watershed resources. The focus is on community design and developing a tool kit for design professionals and communities.
- Boston Groundwater issue Karl is working with the Boston Groundwater Trust (see their web site for information: <http://www.bostongroundwater.org/>) as well as staff from the Office of Commonwealth Development (Gina McCarthy) to address the lowering groundwater levels relationship to deteriorating wood piles supporting many structures.
- Marilyn McCrory is DEM's intern working with Vicki Gartland on projects related to water supply and restoration of river flows, including projects in the Ipswich River watershed and the Water Assets project. Two key goals of the internship are to identify communities interested in participating in pilot projects for improving streamflow and to identify funding sources for demonstration projects. These pilot projects may involve approaches not typically associated with water supply, such as low-impact development, stormwater infiltration, and wastewater/greywater reuse. Specific tasks to date have included:
  - Preparing a presentation for the Ipswich River Watershed Management Council on tools for river restoration. The Powerpoint presentation is available.
  - Compiling one-page summaries of communities in the watershed. The summaries include information on water withdrawals, location of supply, location in the basin, and contact information. They are intended to be used in talking with communities about their needs and interests in pilot projects.

- Researching funding sources and compiling summaries on the most viable sources. These summaries include a description of what can be funded, who is eligible, whether or not matching funds are required, deadlines, and contact information. Some sources have fast-approaching deadlines.

### **Agenda Item #2: Parker River Low Flow Study**

Kirk Smith reported on the Parker study, funded under the Watershed Initiative. The study (see attached summary) was generated by concerns for lower than expected flows and a question as to whether or not that observation could be verified, and if so, the causes. The study, which is nearly complete, also is intended to provide a basis for understanding the status and needs of aquatic biota. For instance, it has been noted that the traditionally strong herring run has been reduced by about 80 percent. The results show that during the summer months (June, July, August, and September) the low flows are lower and last longer in the recent 1990-2002 period than the historic period of record of 1946-1989.

Increasing water use from Georgetown, Georgetown Sand and Gravel, the Georgetown Club, and Byfield have had a significant impact on the unusually low flows in the Parker River. Growth and land development have had a moderate impact on the Parker River flows (approximately 10% of the watershed area has been developed for residential use, from agricultural and forested). Precipitation patterns and beaver activity are not significant causes of the flow reductions. Recommendations were made for water conservation (especially outdoor water use in summer months), zoning changes, additional monitoring, safe yield analysis for the watershed, increasing storage, and development of a regional water system, possibly importing water during critical periods.

### **Agenda Item #3: Discussion of the process for WRC review of community compliance with the Interbasin Transfer Act in re: purchasing water from Aquaria**

Mayor Yunitz summarized the City of Brockton's efforts since 1996 to achieve water conservation goals, to work on the Clean Water Council and other measures. The City has instituted water bans, installed water meters, changed their rate structure, and formed the Water Commission to review the details of water consumption in the City. They have engaged in watershed management and land purchase, increased Avon Reservoir capacity, and reviewed the revenue picture. They have looked at all alternatives for saving water and finding new sources, all costing about \$15 million during the period since 1996. In addition they have spent \$60 million on the treatment plant for discharge to the Salisbury Brook, and have taken on Smart Growth approaches to solving chronic water problems and to increase the security of the water distribution system. They expect to file the NPC for purchasing water from Aquaria very soon.

Drury described the WRC process for reviewing both Aquaria's application and individual community responsibility under the Act. DuBois and Torgan expressed their concern that the review of the whole process was segmented, which was exactly what the Secretary's certificate wanted to avoid. Once the Aquaria portion is approved, they assume the rest is a foregone conclusion in that the capital investment already would be made. The review process becomes perfunctory. They wanted to have more examination of Brockton's and other communities' water supply system so that more water could be available for the biological resources and flow in the river, particularly Pine Brook.

The process was explained by Drury and Gildesgame, who pointed out that under the Secretary's FEIR certificate and the 1996 WRC decision, no approval for Aquaria's construction could be given until *both* Aquaria's environmental impacts were reviewed and approved and at least one community, presumably Brockton, had submitted the NPC and it was approved. Only after both reviews were complete would Aquaria have the approval under the Interbasin Transfer Act to proceed. It also was noted that Aquaria would still need 21 other permits.

**Agenda Item #4: Staff Recommendation on the environmental criteria of Aquaria's Interbasin Transfer Application**

Drury reviewed the project location and operation. She noted that there was a May 21st meeting of all interested state and federal agencies about this project. There were some long term concerns expressed and discussion of the kinds of monitoring needed, but no specific objections to the project.

Marler reviewed the technical analyses of the project. The key concerns have been entrainment and impingement of fish, fish eggs and larvae which will be addressed in the monitoring requirements. There are examples of similar monitoring conditions at power plants. A question was asked about how sales to third communities would be handled. The response was that any third party sales would have to be included in the NPC and would be tracked through the Water Management Act permit process. DEP is currently developing its policy on this. Simonson pointed out that the issue of potential resale of water needs review by the Division of Energy Resources under chapter 40. A question was raised about contingency plans in case of fouling of the intake structures. This will be addressed in the operation and maintenance plan for the plant which also is needed for the screens in the fish monitoring plan. Clayton asked if monitoring and mitigation really worked to reduce impacts to fisheries. Drury answered that DMF was adamant that it did, but she would obtain monitoring reports that supported this position.

Torgan noted that section 3166 of the Clean Water Act covers cooling water which could have a real affect on operations but unfortunately doesn't apply in this case. He noted that in response to the Mayor's comments that he had substantial concerns about the impact of the withdrawals and returns of water, particularly in the salinity and rare species. He noted that there is a broad constituency which is concerned. He further noted that the process makes it difficult to participate in the NPC portion of the permitting, particularly with the project's segmentation. Cohen noted that as in the Parker River, there is a need for baseline data and a look at opportunities to reduce environmental impacts elsewhere in the basin. Perhaps some water should go back to the environment to reduce existing impacts of water withdrawals.

DuBois expressed her concern about the segmented approach of the permitting process and the impacts on fisheries which she felt would be significant. She noted that 10 million gallons per day from the Jones River go down the Taunton River, and with the proposed Erickson project and others, there will be more impacts. This would be a good opportunity to fix the system by helping the environment. The Aquaria site is unique in that the fresh and salt water interface has created an important marsh, and the change in the salinity wedge in the estuary may cause significant changes. The Taunton Municipal Light Co. plant or the power plant in Somerset should be looked at as a better site for Aquaria that also would provide a genuine benefit for the river.

Simonson said, regarding the segmentation issue, that there are so many permits and few legal teeth. It's not clear why Aquaria cannot be regulated by the DPU to control who is selling the water. The Jones River needs environmental help and the management of Silver Lake should find a way to discharge more to the river. She stated that the monitoring information should be reported in the Environmental Monitor along with the NPC. The state needs to coordinate all the agencies and make this work.

Drury noted that in July, staff would provide an amended staff recommendation.

The meeting was adjourned.

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Meeting minutes approved 8/14/03